

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**J.H.; S.G.; B.M.;**

**Plaintiffs,**

**v.**

**No. 13-cv-0641 MCA/SMV**

**THE BOARD OF EDUCATION,  
ALBUQUERQUE PUBLIC SCHOOLS DISTRICT,  
SECOND JUDICIAL DIST. ATTORNEY'S OFFICE,**

**Defendants.**

**FIRST AMENDED INITIAL SCHEDULING ORDER**

This case is assigned to me for scheduling, case management, discovery, and all non-dispositive motions. Both the Federal Rules of Civil Procedure, as amended, as well as the Local Rules of the Court apply to this lawsuit. Civility and professionalism will be required of counsel. Counsel shall read and comply with “A Lawyer’s Creed of Professionalism of the State Bar of New Mexico.”

The record reflects that the parties submitted a Joint Status Report and Provisional Discovery Plan (“JSR”) on September 20, 2013. [Doc. 14]. Prior to his retirement, the Honorable Alan C. Torgerson, United States Magistrate Judge, the previous referral judge, adopted the JSR with some modifications. [Doc. 20]. Judge Torgerson held a Rule 16 Scheduling Conference on October 9, 2013. [Doc. 19]. However, he did not set scheduling deadlines. *Id.* Instead, he set a settlement conference for January 21, 2014. *Id.* The case did not settle at that time, and I was assigned to the case shortly thereafter, on February 12, 2014. [Doc. 31].

In order to prepare for a second Rule 16 Scheduling Conference, the parties will cooperate in preparing an amended JSR, following the sample JSR available at the Court's web site. The blanks for suggested/proposed dates are to be filled in by the parties. Actual case management deadlines will be determined by the Court after consideration of the parties' requests. Plaintiff (or Defendant in removed cases) is responsible for filing the JSR by **February 27, 2014.**

Parties may not modify case management deadlines on their own. Good cause must be shown and the Court's express and written approval obtained for any modification of the dates in the scheduling order that issues from the JSR.

A second Rule 16 initial scheduling conference will be held by telephone on **March 6, 2014, at 9:30 a.m.** Parties shall call Judge Vidmar's "Meet Me" line at **505-348-2357** to be connected to the proceedings. Counsel shall be prepared to discuss the following: discovery needs and scheduling, all claims and defenses, the use of scientific evidence and whether a *Daubert* hearing is needed, *see Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 590–92 (1993), initial disclosures, and the timing of expert disclosures and reports under Fed R. Civ. P. 26(a)(2). We will also discuss settlement prospects, alternative dispute resolution possibilities, and consideration of consent pursuant to 28 U.S.C. § 636(c). Client attendance is not required.

Pre-trial practice in this case shall be in accordance with the foregoing.

**IT IS THEREFORE ORDERED** that the deadlines shall be as follows:

**Amended JSR filed by:**

**Feb. 27, 2014**

**Telephonic Second Rule 16 Initial Scheduling Conference:** **March 6, 2014, at 9:30 a.m.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**